

**BEFORE THE
MISSOURI REAL ESTATE COMMISSION
STATE OF MISSOURI**

MISSOURI REAL ESTATE COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 6-14-112
)	
ADAM NENNINGER)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

Pursuant to notice the Missouri Real Estate Commission ("Commission") held a hearing on February 11, 2015, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether Respondent had violated the probationary terms of a prior Commission disciplinary order and if so, whether additional discipline of Respondent's license was warranted. All of the members of the Commission, with the exception of Twila Hillme and Doris Carlin were present throughout the meeting. The Commission was represented by Assistant Attorney General Nichole Bock. Respondent was properly and timely notified of the hearing. Respondent Nenninger did not appear individually or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues these following Findings of Facts, Conclusions of Law and Disciplinary Order.

I.

FINDINGS OF FACT

1. The Missouri Real Estate Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo,¹ for the purpose of carrying out and enforcing the provisions of §§ 339.010 to 339.205 and 339.710 to 339.855, RSMo, and the regulations promulgated thereunder, relating to real estate salespersons and brokers.

2. Adam Nenninger holds a salesperson license from the Commission, license no. 2012028717. Respondent's salesperson license was not current at all times relevant to this proceeding. On February 25, 2014 Respondent's salesperson license was changed to an inactive salesperson license and then expired on September 30, 2014 for failure to renew.

3. On August 13, 2012, the Commission issued its Order of the Missouri Real Estate Commission regarding the issuance of Adam Nenninger's salesperson license and placing said license on five (5) years probation. The Order required Nenninger to submit quarterly written reports to the MREC regarding the status of and compliance with his criminal probation, parole, and/or release, as well as the terms and conditions of his probated license order. The Order required Nenninger to refrain from consuming alcoholic beverages and prepare and submit a quarterly written attestation that he has not consumed any alcoholic beverages that were to be submitted with his quarterly reports. The Order required Nenninger to comply with all relevant provisions of Chapter 339, RSMo, and all rules and regulations of the Commission. The Order required Nenninger to timely renew his real estate license, timely pay all fees required for license renewal and comply with all other requirements necessary to maintain his license in a current and active status.

¹ All statutory references are to the Revised Statutes of Missouri, as amended, unless otherwise indicated.

4. Nenninger failed to submit quarterly reports or attestations due April 10, 2014, July 10, 2014 and October 10, 2014.

5. Nenninger failed to respond to letters sent to him on or about April 17, 2014, June 10, 2014 and July 22, 2014.

6. Nenninger failed to timely renew his real estate license, timely pay all fees required for license renewal and comply with all other requirements necessary to maintain his license in a current and active status.

7. As a result of the foregoing, a Probation Violation Complaint was filed with the Missouri Real Estate Commission alleging that grounds existed for additional disciplinary action against Nenninger's Missouri real estate license, pursuant to § 324.042, RSMo.

8. The Commission set this matter for hearing and served notice of this disciplinary hearing upon Respondent in a proper and timely fashion.

9. On February 11, 2015, pursuant to notice and § 324.042, RSMo, this Commission held a hearing at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether the Respondent had violated any terms of the Disciplinary Order, and if so, whether any additional discipline would be imposed against Respondent's license. Respondent Adam Nenninger was not present and was not represented by legal counsel, despite receiving notice of the time, date and place of the hearing.

10. All the members of the Commission were present throughout the probation violation hearing except Twila Hillme and Doris Carlin.

II.

CONCLUSIONS OF LAW

11. Nenninger's failure to adhere to the terms of his probation by failing to submit quarterly reports or attestations to the Commission, is a violation of paragraph 17B and 17C of

section III of the Order which provides cause to further discipline Nenninger's license under § 324.042, RSMo.

12. Nenninger's failure to respond to written requests sent to him is a violation of 20 CSR 2250-8.170(1) and therefore paragraph 17E of section III of the Order which provides cause to further discipline Nenninger's license under § 324.042, RSMo.

13. Nenninger's failure to adhere to the terms of his probation by failing to timely renew his real estate license, timely pay all fees required for license renewal and comply with all other requirements necessary to maintain his license in a current and active status, is a violation of paragraph 17E of section III of the Order which provides cause to further discipline Nenninger's license under § 324.042, RSMo.

14. Pursuant to § 324.042, RSMo, the Commission has authority to impose additional discipline against Respondent Nenninger, for violating any disciplinary terms previously imposed or agreed to pursuant to the Order against a licensee.

15. Section 324.042, RSMo, provides:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

16. Pursuant to Section 324.042, RSMo, the Commission has jurisdiction to hold additional hearings and impose discipline if it finds that a licensee has violated any disciplinary terms previously imposed by the Commission.

17. Section 339.100.3, RSMo, provides the Commission may discipline a real estate license after an initial disciplinary hearing by revoking, probating or suspending said license.

18. The Commission finds Respondent Adam Nenninger has violated the terms and conditions of the Order issued by the Commission on August 13, 2012 as a result of the conduct identified in the Findings of Fact set forth above.

19. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

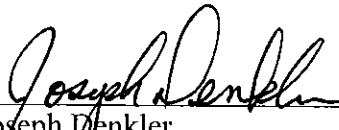
ORDER

Therefore, having fully considered all the evidence before the Commission, it is the ORDER of this Commission that:

20. The real estate license of Respondent Adam Nenninger, license number 2012028717, is hereby **REVOKED**. All evidence of Respondent's licensure shall be returned to the Commission within 30 days of this Order.

21. The Commission will maintain this Order as an open record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

So Ordered this 20th day of February 2015.



Joseph Denkler
Executive Director
Missouri Real Estate Commission